

August 10, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Subscriber Notification and Acknowledgement Status and Compliance
Report of RCN Telecom Services of Illinois, LLC; WC Docket No. 05-196**

Dear Ms. Dortch:

RCN Telecom Services of Illinois, LLC ("RCN"), through its undersigned counsel and in response to the Commission's VoIP E911 Order ("Order") and the Public Notice issued by the Enforcement Bureau on July 26, 2005 ("Public Notice"), submits this report to advise the Commission of the status of RCN's efforts to comply with Commission Rule 9.5(e).

By way of background, RCN uses Voice Over Internet Protocol technology to provide voice telephone service to primarily residential customers in the Chicago metropolitan area. This VoIP technology is used only for the connection, over RCN dedicated facilities, between the customer's premises and the RCN voice-capable switching equipment. The service does not use the public Internet and customers do not have to purchase an Internet access connection to use RCN's voice telephone service. It is therefore unclear whether RCN should be considered an "interconnected VoIP provider" within the meaning of the Order. Nonetheless, in the interest of public safety, RCN has chosen voluntarily to comply fully with the Order until this uncertainty is clarified.

August 10, 2005

Page 2

As requested in the Public Notice, RCN responds to the following questions set out in the Public Notice:

- 1) **A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers.**

(a) Existing Customers:

On July 12, 2005, RCN sent by first-class United States mail to every one of its customers of record as of that date a mailing containing (a) an E-911 customer notice containing the information required by new Rule 9.5(e)(1) and (b) a warning label as required by new Rule 9.5(e)(3).

RCN also retained a third-party contractor to contact each of its customers of record by telephone to obtain the customer's acknowledgement of receipt and understanding of the E-911 customer notice. Beginning on July 18, this contractor placed telephone calls to all RCN customers of record. The caller asked the customer whether the customer had received the notice letter; if not, the caller offered to read the letter to the customer over the telephone. The caller then offered to answer any questions that the customer might have about the notice letter.

Beginning on August 19, 2005, any RCN telephone customer who is also an RCN high-speed Internet customer will, when accessing the Internet, be redirected to an RCN web page that contains the same text as Attachment 1 and will not be able to navigate to other web pages until the customer acknowledges their receipt and understanding of this notice.

Additionally, on or about August 15, 2005, RCN intends to mail a letter to customers notifying them that they must contact RCN to provide the necessary acknowledgement or they will lose service on August 30, 2005.

(b) New Customers:

As part of the sales process, beginning on July 8, 2005, RCN marketing personnel have been required to read an oral E911 disclosure to each new customer before completing a sale. This disclosure is being read both to customers who contact RCN for service and those who are contacted by outbound telemarketing calls.

August 10, 2005

Page 3

In addition, beginning on June 17, 2005, RCN service technicians have been required to obtain each new customer's acknowledgement of E911 service limitations as part of the service installation process. This has been accomplished by obtaining the customer's initials and/or signature on a work order form. The installation technicians have been instructed to direct the customer's attention specifically to the portion of the work order form that contains the E911 disclosures.

- 2) **A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.**

As of August 3, 2005, RCN has obtained affirmative acknowledgement from approximately 30% of its subscriber base.

RCN cannot predict with precision what its final response rate will be, but estimates that 20% of its customers will still not have provided affirmative acknowledgement by August 29, 2005.

- 3) **A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e. e-mail, U.S. mail).**

As described under item (1) above, RCN mailed warning labels to all of its existing subscribers as of July 12, 2005, along with appropriate instructions that advise the subscriber to place the labels on or near the customer premises equipment.

For new customers, starting August 11, 2005, RCN will place stickers on customers' equipment at the time of service initiation. On or about August 17, RCN will mail stickers to all customers whose service was installed between July 12 and August 11. Also, to the extent that RCN technicians are in a phone customers' home for any reason, they will ensure a sticker is present on or near the modem.

August 10, 2005

Page 4

- 4) **A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in [Question 1] and/or to whom the provider did not send warning stickers or other appropriate label as identified in [Question 3].**

RCN has sent advisories to all of its subscribers. As noted in answer to item (3), RCN has not yet sent warning stickers to customers whose service was installed between July 12 and August 11, constituting approximately 8% of customers. Warning stickers will be mailed to these customers by August 19.

- 5) **A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.**

RCN is continuing its campaign to contact and obtain affirmative acknowledgment from all of its subscribers. In addition, RCN is implementing the web page redirection described in item (1) above, and is studying other methods of obtaining affirmative acknowledgements to improve its response rate.

For those customers that do not provide affirmative acknowledgement, on August 30, 2005, RCN currently plans to restrict these customers' service so that no outgoing calls can be placed (except to 911 or to the toll-free number described below). Customers attempting to place calls will be diverted to a recording that advises them to call an RCN toll-free number to have their service restored. When they call the toll-free number, they will be connected to RCN's telemarketing contractor, who will obtain their affirmative acknowledgement in the same manner described in the response to item (1) above.

- 6) **A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.**

Affirmative acknowledgements received by means of telephone calls have been digitally recorded and the recordings are being retained by RCN's contractor. Affirmative acknowledgements received by means of the customer's initials or signature on a work order have been retained in RCN's customer files. Both types of acknowledgements are tracked by an entry in RCN's billing database.

August 10, 2005

Page 5

- 7) **The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.**

Kristen M. Smoot
Director Regulatory Affairs
RCN Telecom Services of Illinois, LLC
350 N. Orleans Street, Suite 600
Chicago, IL 60654
Tel: 312.955.2322
Email: Kristen.smoot@rcn.net

Respectfully submitted,

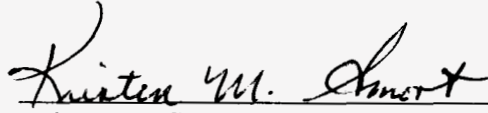
A handwritten signature in dark ink, appearing to read "Russell M. Blau", with a long horizontal flourish extending to the right.

Russell M. Blau
Wendy M. Creeden

Counsel for RCN Telecom Services of Illinois, LLC

cc: Byron McCoy (FCC)
Kathy Berthot (FCC)
Janice Myles (FCC)
Best Copy and Printing, Inc.
Kristen M. Smoot (RCN)

I, Kristen M. Smoot, state that I am Director Regulatory Affairs of RCN Telecom Services of Illinois, LLC; that I am authorized to submit this report on behalf of RCN Telecom Services of Illinois, LLC; that the foregoing filing was prepared under my direction and supervision; and I declare under penalty of perjury that this report is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, reading "Kristen M. Smoot", written over a horizontal line.

Name: Kristen M. Smoot

Title: Director Regulatory Affairs
RCN Telecom Services of Illinois, LLC